

FILED

MAR 28 2012

SEALED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND-ODESSA DIVISION

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

V.

ELMER ARMANDO MORENO,
FRANCISCO JAVIER MARTINEZ,
HERIBERTO BARRERA,
CHARLES ERIC HOLDEN,
GEORGE ERIC NETTLES, and
LUCIANO MARTINEZ

Defendants.

CRIMINAL NO.
MO12CR0094

INDICTMENT

[Vio: 21 U.S.C. § 846 -

Conspiracy to Distribute

Methamphetamine and

Marijuana;

18 U.S.C. § 2119 - Carjacking;

18 U.S.C. § 1513- Witness

Retaliation

18 U.S.C. § 924(c)- Use of a

Firearm during crime of violence

and drug trafficking crime;

21 U.S.C. § 841(a)(1)-possession of

methamphetamine with intent to

distribute]

THE GRAND JURY CHARGES:

COUNT ONE

[21 U.S.C. § 846]

Beginning on or about October 1, 2011 and continuing to on or about December 29,

2011, in the Western District of Texas and elsewhere, the Defendants,

ELMER ARMANDO MORENO,
FRANCISCO JAVIER MARTINEZ,
HERIBERTO BARRERA,
CHARLES ERIC HOLDEN,
GEORGE ERIC NETTLES,
and,
LUCIANO MARTINEZ,

did combine, conspire, confederate and agree together and with each other to distribute, and possess with intent to distribute, controlled substances, which offense involved 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine and 50 grams or more of methamphetamine (actual), a Schedule II Controlled Substance, and marijuana, a Schedule I controlled substance, all contrary to Title 21, United States Code, Sections 841(a)(1) and 846.

COUNT TWO
[18 U.S.C. § 2119]

On or about December 28, 2011, in the Western District of Texas, the Defendants,

ELMER ARMANDO MORENO
HERIBERTO BARRERA
and
GEORGE ERIC NETTLES,

aided and abetted by one another, and having the intent, if necessary, to cause serious bodily harm, took a 2001 Chevy Tahoe that had been transported and shipped in interstate commerce from the persons and presence of CHARLES ERIC HOLDEN and C.S. by force and violence, and by intimidation.

All in violation of Title 18, United States Code, Section 2119(1).

COUNT THREE
[18 U.S.C. § 924(c)]

On or about December 28, 2011, in the Western District of Texas, the Defendants,

ELMER ARMANDO MORENO
HERIBERTO BARRERA
and
GEORGE ERIC NETTLES,

aided and abetted by one another, and during and relation to the drug trafficking crime set forth in Count One of this Indictment, and the crime of violence set forth in Count Two of this Indictment, each of which are incorporated by reference as if set forth in full, intentionally and knowingly used, carried and brandished firearms.

All in violation of Title 18, United States Code, Section 924(c).

COUNT FOUR
[18 U.S.C. § 1513)]

On or about December 28, 2011, in the Western District of Texas, the Defendants,

FRANCISCO JAVIER MARTINEZ
and
LUCIANO MARTINEZ,

aided and abetted by one another, threatened bodily injury against C.S. with the intent to retaliate against C.S. because she provided information to law enforcement officers relating to the commission and the possible commission of the federal offense set forth in Count Two of this Indictment, which is hereby incorporated by reference as if set forth in full.

All in violation of Title 18, United States Code, Section 1513(b)(2).

COUNT FIVE
[18 U.S.C. § 924(c)]

On or about December 28, 2011, in the Western District of Texas, the Defendants,

FRANCISCO JAVIER MARTINEZ,
and
LUCIANO MARTINEZ,

aided and abetted by one another, and during and relation to the drug trafficking crime set forth in Count One of this Indictment, and the crime of violence set forth in Count Four of this Indictment, each of which are incorporated by reference as if set forth in full, intentionally and knowingly used, carried and brandished a firearm.

All in violation of Title 18, United States Code, Section 924(c).

COUNT SIX
[21 U.S.C. § 841(a)(1)]

On or about December 28, 2011, in the Western District of Texas, the Defendants,

FRANCISCO JAVIER MARTINEZ
and
LUCIANO MARTINEZ,

aided and abetted by one another, intentionally and knowingly possessed a controlled substance with intent to distribute, which offense involved fifty grams or more of methamphetamine (actual), a Schedule II Controlled Substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT SEVEN
[18 U.S.C. § 924(c)]

On or about December 28, 2011, in the Western District of Texas, the Defendants,

FRANCISCO JAVIER MARTINEZ,
and
LUCIANO MARTINEZ,

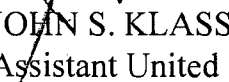
aided and abetted by one another, intentionally and knowingly possessed firearms in furtherance of the drug trafficking crimes set forth in Counts One and Six of this Indictment, each of which are incorporated by reference as if set forth in full.

All in violation of Title 18, United States Code, Section 924(c).

A TRUE BILL.

Original signed by the
foreperson of the Grand Jury
FOREPERSON OF THE GRAND JURY


ROBERT PITMAN
United States Attorney


JOHN S. KLASSEN
Assistant United States Attorney

PERSONAL DATA SHEET
 UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF TEXAS

MO1 2CR0094

SEALED:		UNSEALED: XX
COUNTY: Midland	DIVISION: MIDLAND/ODESSA	JUDGE: JUNELL
DATE: March 28, 2012	MAG CT #: N/A	FBI #:
CASE NO: MO-12-CR-	ASSISTANT U.S. ATTORNEY: JOHN S. KLASSEN	
DEFENDANT: 1. ELMER ARMANDO MORENO		DOB: XXXXXXXXXXXXX
ADDRESS: XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX		
CITIZENSHIP: USC INTERPRETER NEEDED No LANGUAGE:		
DEFENSE ATTORNEY: No attorney yet		EMPLOYED APPOINTED
DEFENDANT IS: No bond set - Not arrested		
DATE OF ARREST: Not arrested		BENCH WARRANT: XXX
PROBATION OFFICER:		
NAME AND ADDRESS OF SURETY:		
YOUTH CORRECTIONS ACT APPLICABLE: No		
PROSECUTION BY: Indictment		
OFFENSE (Code and Description): Ct. 1 - 21 USC 846 - Conspiracy to Distribute Methamphetamine and Marijuana; Ct. 2 - 18 USC 2119 - Carjacking; Ct. 3 - 18 USC 924c - Use of a Firearm During Crime of Violence and Drug Trafficking Crime; Ct. 4 - 18 USC 1513 - Witness Relatiation; Ct. 5 - 18 USC 924c - Use of a Firearm During Crime of Violence and Drug Trafficking Crime; Ct. 6 - 21 USC 841a1 - Possession of Methamphetamine with Intent to Distribute; Ct. 7 - 18 USC 924c - Use of a Firearm During Crime of Violence and Drug Trafficking Crime		
OFFENSE IS: FELONY		
MAXIMUM SENTENCE: Ct 1--minimum 10 years, up to Life, \$10 million fine, minimum 5 years supervised release; and a mandatory \$100 special assessment; Ct 2-- up to 15 years prison, max \$250K fine, max 3 years supervised release; and a mandatory \$100 special assessment Ct 3. --minimum 7 years prison up to life (consecutive to Count 2), max \$250K fine, up to 5 years supervised release; and a mandatory \$100 special assessment Ct. 4 --up to 20 years prison, max \$250K fine, max 3 years supervised release; and a mandatory \$100 special assessment Ct. 5-- --minimum 7 years prison up to life (consecutive to Count 4), max \$250K fine, up to 5 years supervised release; and a mandatory \$100 special assessment Ct 6. Ct 1--minimum 10 years, up to Life, \$10 million fine, minimum 5 years supervised release; and a mandatory \$100 special assessment Ct. 7 Ct. 5-- --minimum 5 years prison up to life (consecutive to Count 6), max \$250K fine, up to 5 years supervised release; and a mandatory \$100 special assessment		
PENALTY IS MANDATORY: As stated above.		
REMARKS: AGENT: Randy Vest, Task Force Agent Federal Bureau of Investigation 1004 N. Big Spring Street, Suite 600 Midland, Texas 79701 432-570-0255 ofc 432-683-4855 fax		

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 UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF TEXAS

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SEALED:		UNSEALED: XX
COUNTY: Midland	DIVISION: MIDLAND/ODESSA	JUDGE: JUNELL
DATE: March 28, 2012	MAG CT #: N/A	FBI #:
CASE NO: MO-12-CR-	ASSISTANT U.S. ATTORNEY: JOHN S. KLASSEN	
DEFENDANT: 2. FRANCISCO JAVIER MARTINEZ		DOB: XXXXXXXXXXXXX
ADDRESS: XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX		
CITIZENSHIP: USC INTERPRETER NEEDED No LANGUAGE:		
DEFENSE ATTORNEY: No attorney yet		EMPLOYED APPOINTED
DEFENDANT IS: No bond set - Not arrested		
DATE OF ARREST: Not arrested		BENCH WARRANT: XXX
PROBATION OFFICER:		
NAME AND ADDRESS OF SURETY:		
YOUTH CORRECTIONS ACT APPLICABLE: No		
PROSECUTION BY: Indictment		
OFFENSE (Code and Description): Ct. 1 - 21 USC 846 - Conspiracy to Distribute Methamphetamine and Marijuana; Ct. 2 - 18 USC 2119 - Carjacking; Ct. 3 - 18 USC 924c - Use of a Firearm During Crime of Violence and Drug Trafficking Crime; Ct. 4 - 18 USC 1513 - Witness Relatiation; Ct. 5 - 18 USC 924c - Use of a Firearm During Crime of Violence and Drug Trafficking Crime; Ct. 6 - 21 USC 841a1 - Possession of Methamphetamine with Intent to Distribute; Ct. 7 - 18 USC 924c - Use of a Firearm During Crime of Violence and Drug Trafficking Crime		
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DATE: March 28, 2012	MAG CT #: N/A	FBI #:
CASE NO: MO-12-CR-	ASSISTANT U.S. ATTORNEY: JOHN S. KLASSEN	
DEFENDANT: 3. HERIBERTO BARRERA		DOB: XXXXXXXXXXXXX
ADDRESS: XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX		
CITIZENSHIP: USC INTERPRETER NEEDED No LANGUAGE:		
DEFENSE ATTORNEY: No attorney yet		EMPLOYED APPOINTED
DEFENDANT IS: No bond set - Not arrested		
DATE OF ARREST: Not arrested		BENCH WARRANT: XXX
PROBATION OFFICER:		
NAME AND ADDRESS OF SURETY:		
YOUTH CORRECTIONS ACT APPLICABLE: No		
PROSECUTION BY: Indictment		
OFFENSE (Code and Description): Ct. 1 - 21 USC 846 - Conspiracy to Distribute Methamphetamine and Marijuana; Ct. 2 - 18 USC 2119 - Carjacking; Ct. 3 - 18 USC 924c - Use of a Firearm During Crime of Violence and Drug Trafficking Crime; Ct. 4 - 18 USC 1513 - Witness Relatiation; Ct. 5 - 18 USC 924c - Use of a Firearm During Crime of Violence and Drug Trafficking Crime; Ct. 6 - 21 USC 841a1 - Possession of Methamphetamine with Intent to Distribute; Ct. 7 - 18 USC 924c - Use of a Firearm During Crime of Violence and Drug Trafficking Crime		
OFFENSE IS: FELONY		
MAXIMUM SENTENCE: Ct 1--minimum 10 years, up to Life, \$10 million fine, minimum 5 years supervised release; and a mandatory \$100 special assessment; Ct 2-- up to 15 years prison, max \$250K fine, max 3 years supervised release; and a mandatory \$100 special assessment Ct 3. --minimum 7 years prison up to life (consecutive to Count 2), max \$250K fine, up to 5 years supervised release; and a mandatory \$100 special assessment Ct. 4 --up to 20 years prison, max \$250K fine, max 3 years supervised release; and a mandatory \$100 special assessment Ct. 5-- --minimum 7 years prison up to life (consecutive to Count 4), max \$250K fine, up to 5 years supervised release; and a mandatory \$100 special assessment Ct 6. Ct 1--minimum 10 years, up to Life, \$10 million fine, minimum 5 years supervised release; and a mandatory \$100 special assessment Ct. 7 Ct. 5-- --minimum 5 years prison up to life (consecutive to Count 6), max \$250K fine, up to 5 years supervised release; and a mandatory \$100 special assessment		
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DATE: March 28, 2012	MAG CT #: N/A	FBI #:
CASE NO: MO-12-CR-	ASSISTANT U.S. ATTORNEY: JOHN S. KLASSEN	
DEFENDANT: 4. CHARLES ERIC HOLDEN		DOB: XXXXXXXXXXXXX
ADDRESS: XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX		
CITIZENSHIP: USC INTERPRETER NEEDED No LANGUAGE:		
DEFENSE ATTORNEY: No attorney yet		EMPLOYED APPOINTED
DEFENDANT IS: No bond set - Not arrested		
DATE OF ARREST: Not arrested		BENCH WARRANT: XXX
PROBATION OFFICER:		
NAME AND ADDRESS OF SURETY:		
YOUTH CORRECTIONS ACT APPLICABLE: No		
PROSECUTION BY: Indictment		
OFFENSE (Code and Description): Ct. 1 - 21 USC 846 - Conspiracy to Distribute Methamphetamine and Marijuana; Ct. 2 - 18 USC 2119 - Carjacking; Ct. 3 - 18 USC 924c - Use of a Firearm During Crime of Violence and Drug Trafficking Crime; Ct. 4 - 18 USC 1513 - Witness Relatiation; Ct. 5 - 18 USC 924c - Use of a Firearm During Crime of Violence and Drug Trafficking Crime; Ct. 6 - 21 USC 841a1 - Possession of Methamphetamine with Intent to Distribute; Ct. 7 - 18 USC 924c - Use of a Firearm During Crime of Violence and Drug Trafficking Crime		
OFFENSE IS: FELONY		
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JUDGE: JUNELL

DATE: March 28, 2012

MAG CT #: N/A

FBI #:

CASE NO: MO-12-CR-

ASSISTANT U.S. ATTORNEY: JOHN S. KLASSEN

DEFENDANT: 5. GEORGE ERIC NETTLES

DOB: XXXXXXXXXXXXX

ADDRESS: XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

CITIZENSHIP: USC INTERPRETER NEEDED No LANGUAGE:

DEFENSE ATTORNEY: No attorney yet

EMPLOYED
APPOINTED

DEFENDANT IS: No bond set - Not arrested

DATE OF ARREST: Not arrested

BENCH WARRANT: XXX

PROBATION OFFICER:

NAME AND ADDRESS OF SURETY:

YOUTH CORRECTIONS ACT APPLICABLE: No

PROSECUTION BY: Indictment

OFFENSE (Code and Description): Ct. 1 - 21 USC 846 - Conspiracy to Distribute Methamphetamine and Marijuana; Ct. 2 - 18 USC 2119 - Carjacking; Ct. 3 - 18 USC 924c - Use of a Firearm During Crime of Violence and Drug Trafficking Crime; Ct. 4 - 18 USC 1513 - Witness Relatiation; Ct. 5 - 18 USC 924c - Use of a Firearm During Crime of Violence and Drug Trafficking Crime; Ct. 6 - 21 USC 841a1 - Possession of Methamphetamine with Intent to Distribute; Ct. 7 - 18 USC 924c - Use of a Firearm During Crime of Violence and Drug Trafficking Crime

OFFENSE IS: FELONY

MAXIMUM SENTENCE: Ct 1--minimum 10 years, up to Life, \$10 million fine, minimum 5 years supervised release; and a mandatory \$100 special assessment;
Ct 2-- up to 15 years prison, max \$250K fine, max 3 years supervised release; and a mandatory \$100 special assessment
Ct 3. --minimum 7 years prison up to life (consecutive to Count 2), max \$250K fine, up to 5 years supervised release; and a mandatory \$100 special assessment
Ct. 4 --up to 20 years prison, max \$250K fine, max 3 years supervised release; and a mandatory \$100 special assessment
Ct. 5-- --minimum 7 years prison up to life (consecutive to Count 4), max \$250K fine, up to 5 years supervised release; and a mandatory \$100 special assessment
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PENALTY IS MANDATORY: As stated above.

REMARKS: AGENT:

Randy Vest, Task Force Agent Federal Bureau of Investigation
1004 N. Big Spring Street, Suite 600
Midland, Texas 79701
432-570-0255 ofc 432-683-4855 fax

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DATE: March 28, 2012	MAG CT #: N/A	FBI #:
CASE NO: MO-12-CR-	ASSISTANT U.S. ATTORNEY: JOHN S. KLASSEN	
DEFENDANT: 6. LUCIANO MARTINEZ		DOB: XXXXXXXXXXXXX
ADDRESS: XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX		
CITIZENSHIP: USC INTERPRETER NEEDED No LANGUAGE:		
DEFENSE ATTORNEY: No attorney yet		EMPLOYED APPOINTED
DEFENDANT IS: No bond set - Not arrested		
DATE OF ARREST: Not arrested		BENCH WARRANT: XXX
PROBATION OFFICER:		
NAME AND ADDRESS OF SURETY:		
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